

Dated: April 21, 2009.

**D. T. Glenn,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.*

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

**[Docket No. USCG-2009-0201]**

#### **Navigation Safety Advisory Council; Vacancies**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Request for applications.

**SUMMARY:** The Coast Guard seeks applications for membership on the Navigation Safety Advisory Council (NAVSAC). NAVSAC provides advice and makes recommendations to the Secretary on a wide range of issues related to the prevention of collisions, rammings, and groundings. This includes, but is not limited to: Inland and International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems.

**DATES:** Application forms should reach us on or before June 19, 2009.

**ADDRESSES:** You may request an application form by writing to Commandant (CG-54121), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001; by calling 202-372-1532; or by faxing 202-372-1929. This notice is also available in our online docket, USCG-2009-0201, at <http://www.regulations.gov>. Send your completed application to the above street address.

**FOR FURTHER INFORMATION CONTACT:** Mike Sollosi, Designated Federal Officer (DFO) of NAVSAC, or John Bobb, Assistant DFO; telephone 202-372-1532, fax 202-372-1929.

**SUPPLEMENTARY INFORMATION:** The Navigation Safety Advisory Council (NAVSAC) is a Federal advisory committee under 5 U.S.C. App. (Pub. L. 92-463). NAVSAC provides advice and makes recommendations to the Secretary of Homeland Security on a wide range of issues related to the prevention of collisions, rammings, and groundings. This includes, but is not limited to: Inland and International Rules of the Road, navigation regulations and equipment, routing

measures, marine information, diving safety, and aids to navigation systems.

NAVSAC meets at least once a year at Coast Guard Headquarters, Washington, DC, or another location selected by the Coast Guard. It may also meet for extraordinary purposes. Its subcommittees and working groups may meet to consider specific problems as required.

Selected individuals will serve as either Special Government Employees (SGE) or Representative Members. An SGE Member is an officer or employee of the executive or legislative branch who is retained, designated, appointed, or employed to perform temporary duties (either on a full-time or intermittent basis) for not to exceed 130 days during any period of 365 consecutive days. The definition of SGE also includes individuals in certain miscellaneous positions, who are deemed SGEs without regard to the number of days of service. In general, SGEs provide Federal advisory committees with their own best independent judgment based on their individual expertise. (See 18 U.S.C. 202(a).)

A Representative Member is an individual who is not a Federal employee (or a Federal employee who is attending in a personal capacity), who is selected for membership on a Federal advisory committee for the purpose of obtaining the point of view or perspective of an outside interest group or stakeholder interest. While representative members may have expertise in a specific area, discipline, or subject matter, they are not selected solely on the basis of this expertise, but rather are selected to represent the point of view of a group or particular interest. A representative member may represent groups or organizations, such as industry, labor, consumers or any other recognizable group of persons having an interest in matters before the committee.

We will consider applications for six positions that expire or become vacant in November 2009. Applications will be considered from persons representing, insofar as practical, the following groups: Four persons from among recognized experts and leaders in organizations having an active interest in the Rules of the Road and vessel and port safety; and two persons from among professional mariners, recreational boaters and the recreational boating industry.

Organizations having an active interest in the Rules of the Road and vessel and port safety are considered to include organizations representing vessel owners and operators of vessels operating on international waters and/or

the inland waters of the United States; the Federal and State maritime academies; maritime education and training institutions teaching Rules of the Road, navigation, and electronic navigation; and organizations established to facilitate vessel movement and navigational safety. Members from these organizations are appointed to express the viewpoint of the organizations listed above and are SGEs as defined in section 202(a) of title 18, United States Code, and will not be appointed as Representative Members.

Professional mariners are considered to include actively working or retired mariners experienced in applying the Inland and/or International Rules as masters or licensed deck officers of vessels operating on international waters or the inland waters of the United States, and federal or state licensed pilots. Recreational boaters and the recreational boating industry are specifically identified groups that members may represent. Members from these groups are appointed to express the viewpoint of the groups listed above in which they serve or have served and are not SGEs as defined in section 202(a) of title 18, United States Code, and will be appointed as Representative Members.

All individuals meeting the above requirements are invited to apply. Each member serves for a term of three years. A few members may serve consecutive terms. All members serve at their own expense and receive no salary but receive reimbursement for travel expenses and per diem expenses from the Federal Government.

In support of the policy of the Coast Guard on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

If you are selected as a member who represents the general public, we will require you to complete a Confidential Financial Disclosure Report (OGE Form 450). We may not release the report or the information in it to the public, except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a). Only the Designated Agency Ethics Official (DAEO) or the DAEO's designate may release a Confidential Financial Disclosure Report.

If you are interested in applying to become a member of NAVSAC, send a completed application to Commandant (CG-54121), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001. Applications should reach us on or before June 19, 2009.

Dated: April 20, 2009.

**W.A. Muilenburg,**

*Captain, U.S. Coast Guard, Office of  
Waterways Management.*

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### Broker Self-Assessment Outreach Pilot

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** General notice.

**SUMMARY:** This document announces the commencement of the Broker Self-Assessment (BSA) Outreach Pilot (BSA Pilot). The BSA pilot is voluntary and is intended to be a partnership between U.S. Customs and Border Protection (CBP) and participating customs brokers. The primary goal of the pilot is to facilitate a higher level of broker compliance with CBP laws and regulations. In this regard, the BSA Pilot will allow for customs brokers to ascertain voluntarily with CBP how well they comply with their broker requirements, provide recognition and support to participating brokers, and facilitate legitimate trade so that CBP can focus on higher-risk trade enforcement issues. Under this program test, participating customs brokers will update and improve internal controls, perform periodic testing of these internal controls, and disclose to CBP deficiencies discovered through the testing. Any licensed customs broker, who is a member of the Customs-Trade Partnership Against Terrorism (C-TPAT) and who meets the other eligibility requirements of the pilot, may apply to participate. After closure of the application period and review of the applications received, CBP will select a limited number of customs brokers to participate in the BSA Pilot. This document sets forth information on the application process and the requirements for participation in the program test.

**DATES:** Application to participate in this pilot will be accepted from April 27, 2009 through May 27, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Anita Harris, Trade Liaison, Partnership Programs Branch, Trade Facilitation and Administration Division, Office of International Trade, U.S. Customs and Border Protection, (202) 863-6069, [BrokerSelfAssessment@cbp.dhs.gov](mailto:BrokerSelfAssessment@cbp.dhs.gov).

**SUPPLEMENTARY INFORMATION:**

### Background

U.S. Customs and Border Protection (CBP) is strongly committed to encouraging members of the trade community to meet the responsibilities of complying with applicable trade laws and regulations. In furtherance of this goal, CBP announced the Importer Self-Assessment (ISA) program on June 17, 2002, in a general notice published in the **Federal Register** (67 FR 41298). The ISA program is a trade facilitation partnership program that recruits trade compliant companies in order to reduce both CBP and company resources required during entry and post entry, and to build cooperative relationships that strengthen compliance with trade laws. The ISA program is based on the premise that importers with strong internal controls achieve the highest level of compliance with CBP laws and regulations, and provides a means to recognize and support importers that have implemented such systems. The ISA program has successfully facilitated trade by strengthening importer compliance with CBP laws and regulations and by building cooperative relationships between CBP and participating importers. In addition, CBP announced the Importer Self-Assessment Product Safety Pilot (ISA-PS) program on October 29, 2008, in a general notice published in the **Federal Register** (73 FR 64356). The ISA-PS program adopted the self-assessment principles of the ISA program and has allowed for a voluntary approach to product safety compliance.

### Description of the Broker Self-Assessment Outreach Pilot

#### Overview

Based on the effectiveness of the ISA program, CBP is initiating a new outreach initiative called the Broker Self-Assessment (BSA) Outreach Pilot (BSA Pilot). This voluntary pilot will allow CBP to assist and facilitate broker compliance with their existing statutory and regulatory requirements under 19 U.S.C. 1641 and part 111 of title 19 of the Code of Federal Regulations (19 CFR part 111).<sup>1</sup> In this respect, CBP recognizes the importance of customs brokers because they serve as intermediaries between CBP and the trading community and because they have played a significant role in the success of various CBP commercial initiatives, automation efforts, and security programs.

The BSA program is intended to be a partnership program between CBP and

licensed customs brokers that will build cooperative relationships and ultimately strengthen broker compliance with trade laws. The BSA program will utilize many of the self-assessment principles of the ISA program while incorporating new methodologies that will provide a more flexible approach to promoting broker compliance. In this regard, the BSA program is based on the premise that customs brokers with strong internal controls achieve the highest level of compliance with CBP laws and regulations. CBP believes that the program will facilitate legitimate trade so that CBP can focus on higher-risk trade enforcement issues.

All licensed customs brokers who are current members of the Customs-Trade Partnership Against Terrorism (C-TPAT) and who meet the other eligibility requirements identified in this document can apply to participate in the BSA Pilot by submitting the information and documentation set forth below. CBP will assess the broker submissions to determine each applicant's readiness to assume the responsibilities of the BSA Pilot. BSA Pilot applications will be accepted from April 27, 2009 to May 27, 2009.

#### BSA Pilot Participation Requirements

In order to be eligible to participate in the BSA Pilot, a licensed customs broker must:

1. Be a licensed customs broker for a minimum period of five years.
2. Be a member with full benefits of the C-TPAT.
3. Agree to comply with all applicable CBP laws and regulations.
4. Work in an automated environment through the Automated Broker Interface and the Automated Commercial Environment.
5. Possess a broker national permit.
6. Have and maintain a system of business records that demonstrates the accuracy of CBP transactions.
7. Complete a BSA Pilot Questionnaire and agree to:
  - a. Continue to maintain and update its internal controls;
  - b. Perform periodic testing of its internal control system based on risk;
  - c. Make appropriate adjustments to the internal controls system with an eye toward improvement;
  - d. Inform CBP, through certain voluntary disclosures permitted under the BSA Pilot, of deficiencies identified in periodic testing; and
  - e. Maintain an audit trail linking financial records to entries filed with CBP.

<sup>1</sup> Notwithstanding this pilot, all existing requirements continue to apply.